

# Outer Dowsing Offshore Wind

## (Draft) Statement of Common Ground with Natural England

### A DCO & DMLs

#### Deadline 6

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1.0	November 2024	Deadline 2	GoBe	Outer Dowsing	Shepherd & Wedderburn		Outer Dowsing
2.0	April 2025	Deadline 6	GoBe	Outer Dowsing	Shepherd & Wedderburn		Outer Dowsing

The Applicant initially prepared this Statement of Common Ground (SoCG) in November 2024, due to resource constraints Natural England advised the Applicant they were not able engage with the Applicant in relation to a SoCG until the last examination deadline (Deadline 6). Following further engagement with Natural England it was agreed that the Applicant would revise the format of the SoCG to follow that preferred by Natural England and issue the document to Natural England for review week commencing 24th March 2025. The Applicant issued this SoCG to Natural England on the 25<sup>th</sup> March 2025. Natural England advised the Applicant it would not be able to review the SoCG. This draft SoCG is provided as issued to Natural England on 25<sup>th</sup> March 2025.

## **Annex A draft Development Consent Order (including deemed Marine Licences)**

1. Table 1 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued relating to draft DCO and dMLs (Version 9 submitted at Deadline 5 REP5-002). This is reflecting Tab A of the Natural England Risk and Issues Log.

Table 1 the draft DCO requirements and dML conditions

Ref	Applicant Position	Stakeholder Position	Status
General	Other than the matters detailed in this Table [2.8], the Applicant and Natural England agree that the drafting of the DCO is appropriate.	Agreed.	
A4	The definition of “maintain” in article 2 and condition 4(2), Part 2 of Schedules 10 and 11 and condition 2(2), Part 2 of Schedules 12-15 both restrict the maintenance works authorised to the extent assessed in the ES.	Natural England requested that the definition of maintain links to the limits of maintenance as described in the ES or to the outline Operation and Maintenance Plan.	
A5	The Applicant has included the requirement for a Water Quality Monitoring and Mitigation Plan in the outline Code of Construction Practice in Requirement 18. Natural England are listed as a consultee within the DCO in respect of Requirement 18 and will be consulted in respect of the final Water Quality Monitoring and Mitigation Plan.	Natural England welcomes the inclusion of the commitment to and outline of the plan for Groundwater Risk Assessment in the Water Quality Management and Mitigation Plan highlighted within the Outline Code of Construction Practice (REP2-030) and Natural England wishes to have sight of the plan.	
A6	Natural England has been added as a consultee to Condition 13(1)(a), Part 2, Sch 10.	Natural England requested to be added as a consultee in Condition 13 (1)(a), Part 2, Sch 10.	
A7	<p>The Applicant has updated the draft DCO to provide for a 6 month approval period for those plans specifically requested by the MMO.</p> <p>A six-month determination period therefore applies to the following plans:</p> <ul style="list-style-type: none"> <li>• Marine Mammal Mitigation Protocol</li> <li>• Monitoring Plan</li> <li>• Site Integrity Plan</li> <li>• Operation and Maintenance Plans</li> <li>• Construction Method Statement</li> </ul>	Natural England requests that timescales should be amended to a 6 month approval period, noting that the Sheringham and Dudgeon Extension projects agreed a 6 month period for some conditions.	
A8	The Applicant strongly disagrees that such a condition is necessary or appropriate. The Applicant’s position is set out at 1.3.17 of Table 1.2.2.2 of the Applicant’s Comments on Deadline 4 Submissions (REP4a-115).	Natural England has requested an additional condition on adaptive management to require the Applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs, in the event that monitoring reports identify impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment.	
A9	The Applicant considers such an amendment to the condition to be unnecessary in light of the conclusions of the ES and the RIAA. The Applicant’s position is set out at p76 of the Applicant’s Comments on Deadline 4 Submissions (REP4a-115).	Natural England has requested an amendment to Condition 21, Part 2, Schedules 10 and 11 to secure that no cable protection will be deployed within the IDRBNR SAC after construction has completed.	
A11 and	The Applicant notes that the Applicant and Natural England disagree on whether the creation of	Natural England disagrees with the inclusion of Schedule 16. However, if the Secretary	

Ref	Applicant Position	Stakeholder Position	Status
A12	<p>biogenic reef should be promoted as a compensation measure in light of the WMS on the availability of the SAC Extension measure.</p> <p>If the Secretary of State determines it appropriate to include the creation of biogenic reef as a potential compensation option, the drafting of Schedule 16 is appropriate.</p>	of State determines it appropriate to include the creation of biogenic reef as a potential compensation option, the drafting of Schedule 16 is appropriate.	
A13	<p>A 6 month determination timescale is provided for the SIP in Schedules 10 and 11 of the draft DCO.</p> <p>The Applicant does not consider it appropriate to include a restriction as to the earliest point at which the SIP should be submitted and maintains its position as set out in the Applicant's Responses to Relevant Representations at A13 of Table 1.45.2.2 (PD1-071).</p>	Natural England request that the SIP should be submitted no sooner than 9 months and no later than 6 months prior to commencement of piling.	
A14 and A1	The Applicant has updated paragraph 4(b), Part 1, paragraph 4(d), Part 2 and paragraph 4(d), Part 3 of Schedule 22 of the draft DCO to align the requirements relating to the MRF with the WMS and Interim DESNZ guidance published on 31 January 2025.	Natural England has requested amendments to Schedule 22 to make it clear what will be required when using the Marine Recovery Fund.	
A15 and A3	The Applicant updated the draft DCO at Deadline 4a and Deadline 5 to include these provisions.	Natural England requested that Schedule 22 includes provision for monitoring and adaptive management for the compensation measures which involve a third party option.	
A16 and A2	<p>Part 1, Schedule 22 of the DCO provides that the proposed artificial nesting structure(s) needs to be in place two full kittiwake breeding seasons before operation of the project.</p> <p>The Applicant considers that there is sufficient evidence to justify the reduction. That evidence is set out in Lead-in periods for kittiwake on artificial nesting structures (REP4-104).</p>	Natural England requests that Part 1, Schedule 22 of the DCO requires the ANS to be in place four full breeding seasons prior to operation of the project.	
New issue D4	<p>The Applicant has committed to the installation of removable cable protection on the sandbank feature and on supporting habitat for the <i>S. spinulosa</i> reef feature of the IDRBNR SAC. That commitment is set out in the outline Cable Specification and Installation Plan (REP5-117) and section 3.6 of the outline Scour Protection and Cable Protection Management Plan (REP5-129) and the Applicant understands this commitment is agreed.</p> <p>In relation to Natural England's request for a commitment to remove the cable protection on decommissioning, the Applicant considers that it would be inappropriate to make such a commitment at this stage. The undertaker will be obliged under section 109 of the Energy Act 2004 to comply with an approved decommissioning programme. The approval of that decommissioning programme will take into account the status of the environment, in light of relevant knowledge, techniques and good practice at the time.</p>	The Applicant must secure that all scour and cable protection deployed must be removable within the IDRBNR SAC and to remove it upon decommissioning.	
New issue D5	The requested condition has been included as condition 25, Part 2, Schedule 11 of the DCO.	Natural England has requested that a seasonal restriction is included in the conditions of Schedule 11 of the DCO as mitigation for displacement of red-throated diver.	
New issue D5	The Applicant has updated condition 23, Part 2, Schedules 10 and 11 at Deadline 6 to incorporate the substance of the requested condition.	Natural England has requested a condition that provides for a post-construction report to be provided which sets out the location and volume of cable protection to be submitted to the MMO and Natural England.	